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members of the Pennsylvania Bar. The two parts into which it is divided, dealing respectively with the drawing of wills and the settlement of decedents' estates, present an accurate and, in the main, complete outline of the points involved and the difficulties to be avoided under the Pennsylvania Statutes and decisions. Mr. Gest writes from the standpoint of a practical lawyer rather than that of a theorist and intersperses throughout his work many humorous remarks upon the frailties of human nature as displayed in the settlement of estates. He indicates, "without going into detail that belong to a formal treatise on wills" (p. 31), the existence of many moot questions, and directs attention to important Pennsylvania decisions in point. In failing to outline the procedure upon the filing of an executor's account, of contested items therein, the final adjudication thereof and appeals therefrom our Author has left his work slightly incomplete. However, as a practical statement of the law as it stands in Pennsylvania regarding wills and decedents' estates, this book should prove valuable in refreshing the memory of the older members of the Bar, and in giving to the younger ones much sound advice and practical knowledge in a form that is extremely palatable.

R. W. S.

THE PEOPLE'S LAW OR POPULAR PARTICIPATION IN LAW-MAKING FROM ANCIENT FOLK-MOOT TO MODERN REFERENDUM. By CHARLES LOBINGIER. New York: THE MACMILLAN COMPANY. 1909. pp. xiii, 409.

The name of this book is unfortunate in that it leads one to expect a somewhat different subject and method of treatment from that which the author has actually chosen. On first examining its title page one anticipates a general study of the development of popular participation in law-making, and, more especially, of the history and working of modern forms of direct legislation in those countries, such as Switzerland and the United States, where this development has been most marked; something more extensive and thoroughgoing than the special investigations of Deploige or Oberholtzer, and covering the very interesting progress which has taken place during the last decade. Such a study has long been in order, and for this reason, although it is entirely unfair to criticise Judge Lobingier for having chosen another and less general field, one cannot avoid a slight feeling of disappointment when, after having one's expectations aroused, one discovers that his treatise deals almost exclusively with a single topic—namely, the origin and development of popular ratification of constitutions in the United States. Indeed, the author says himself in his preface that the book originated in an effort to determine the validity of the recent constitutions of several Southern states, which were promulgated by constitutional conventions without being submitted to popular vote. Judicial decisions on this question being few and inconclusive, he was led, he tells us, to study the historical precedents for popular ratification, believing that, "if we would learn whether a principle has really become a part of our constitutional law, we must know something of its history and of how deeply it is rooted in our constitutional experience." A sentence or two later on in the preface indicate that, as his work advanced, he made an effort to broaden the scope of his inquiry; and the results of this are seen in a few chapters at the beginning and end of the book. The attempt, however, was evidently somewhat of an afterthought, and these portions of the work are of much less value than the rest.

In other words, the book is primarily a collection of precedents for a particular method of constitution-making, rather than a study of the causes and practical working of this method, or of popular law-making in general. The field thus covered is one which was well worthy of the painstaking and detailed investigation which Judge Lobingier has given to it; and the material collected and presented here for the first time in readily accessible form will be of great interest to students.

It is to be regretted, however, that the author did not omit some of the later chapters—which are too meagre to be of much value—and devote more space to a critical analysis of his subject, the historical data for which he has so fully presented. A. C. L.

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